IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11446 of 2004

Between:

Kommu Guttaiah, S/o. Rajamallaiah,
R/o. H.No. 10-1-286, Ward No. 28, General Ramagundam Muncipality,
Karimnagar District. **..... PETITIONER**

AND

1 The State Election Commissioner, Budha Bhawan, Tank Bund, Hyderabad, rep by its Commissioner
2 The Election Officer/ Commissioner, Ramagundam Municipality, Karimnagar District.
3 Mabbu Swamy, S/o.Bhoomaiah, R/o. 10-1-157, Ward no. 28, Maredupaka Village, Ramagundam Mandal, Karimnagar District.
4 Talla Amruthamma, W/o. Chinna Rajaiah, Ward no. 28, Maredupakam Municipality, Ramagundam Mandal, Karimnagar District. **...RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondent No.2 in declaring the Respondent No. 4 as councillor of Ward No.28, of Ramagundam Municipality as arbitrary, illegal and contrary to the provisions of the A.P. Municipality Act and Rules and consequently set aside the election of the Respondent No. 4 as Councillor for Ward No. 28 of Ramagundam Municipality in the interest of Justice,

For the Petitioner:MR.A.SUDERSHAN REDDY - ADVOCATE

For the Respondent No.1 & 2 : MR.V.V.PRABHAKARA RAO

For the Respondent No. 3: --

For the Respondent No. 4: --

The Court at the stage of admission made the Following :

ORDER:

The present writ petition is filed questioning the Elections held for the post of Councilor of Ward No.28 , Ramagundam Municipality wherein the fourth respondent was declared elected.

The petitioner claims to have contested the elections for the post of Councilor of 28th Ward, Ramagundam held on 22-6-2004. It is stated that the third respondent's name was deleted from the voters list and he is not eligible to contest for the post of Councilor of 28th ward and permitting him to contest the election has adversely affected the winning prospects of the petitioner. Thus, the petitioner contends that the elections held on 22-6-2004 are illegal and the same has to be set aside.

The only contention of the learned counsel for petitioner is that the name of the third respondent was deleted from the voter's list and he became ineligible to contest the elections and permitting the third respondent to contest the election has adversely affected the winning prospects of the petitioner and that the 4th respondent was benefited. It is thus contended that the election is illegal and the same is liable to be set aside.

Heard learned counsel for petitioner and Mr.V.V.Prabhakar Rao for first respondent.

The dispute in the writ petition relates to elections for the post of Councilor of 28th ward, Ramagundam held on 22-6-2004. The counting of the same was held on 24-6-2004 wherein the 4th respondent was declared as elected. The validity or otherwise of such elections cannot be decided by this Court. If the petitioner is so aggrieved, the proper remedy open for the petitioner is to approach the Election Tribunal.

In the circumstances, the writ petition fails and the same is dismissed at the stage of admission.

N.V.RAMANA,J

7-7-2004

TVK

To

1 The Commissioner,

State Election Commissioner, Budha Bhawan, Tank Bund, Hyderabad,

2 The Election Officer/ Commissioner,
Ramagundam Municipality, Karimnagar District.`

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